

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A. B. A. No. 3389 of 2020

Md. Shamshad Malik @ Shamshad Alam ... Petitioner

Versus

1.The State of Jharkhand

2.Raushan Praveen Opposite Parties

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Sanjay Prasad, Advocate

For the Opposite Party No. 1 : Mr. Manoj Kumar Mishra, A.P.P.

For the Opposite Party No. 2 : Mr. M. I. Khan, Advocate

2/09.09.2020 Heard the parties.

So far as defect no. 4 is concerned, learned counsel for the petitioner undertakes to remove the same, once the situation normalizes. As regards, rest defects are concerned, the same are ignored.

The petitioner is apprehending his arrest in connection with Patratu P.S. Case No. 11 of 2020 registered for the offences under Sections 498A, 341, 323, 34 I.P.C. read with Section 3 & 4 of D. P. Act and Section 4 of Muslim Women (Protection of Marital Right) Act 2019.

The marriage of the informant was solemnized with the petitioner on 17.01.2010. It has been alleged that when the petitioner went abroad, the in-laws had tortured her. It has further been alleged that the petitioner by pronouncing triple talaq had divorced her, which led to institution of the case.

Learned counsel for the petitioner submits that the petitioner is still ready and willing to keep the opposite party no. 2 with full dignity and honour. He has stated that the children are with him and he is maintaining them.

However, the same has been opposed by Mr. M. I. Khan, learned counsel for the opposite party no. 2 and who has stated that in spite of she being in a financial crunch, she is maintaining the children.

Considering the nature of allegations levelled against the petitioner moreso with respect to unilaterally giving triple talaq, I am not inclined to extend the privilege of anticipatory bail to the petitioner.

Accordingly, this application stands rejected.

(Rongon Mukhopadhyay, J)